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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,544	02/21/2006	Osamu Kurai	KURA3005/REF	4325

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EXAMINER

VO, CECILE H

ART UNIT	PAPER NUMBER
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2169

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,544	KURAI ET AL.	
	Examiner	Art Unit	
	/Cecile Vo/	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/30/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 1-6** are presented for examination, with claims 1, 4, 5 and 6 being independent.
2. The reference cited in the IDS, PTO-1449, has been considered.

Drawings

3. The drawings are objected to because they are blurred and include illegible text (see Fig. 1-4, Fig. 11 and Fig. 22). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 2-3 are objected to because of the following informalities: The term "A search device" in line 1 of claims 2 and 3 should be changed to --The search device--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1, 4, 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Regarding claims 1, 4, 5 and 6, the following limitation is vague: "a contents providing server capable of providing contents corresponding to an information showing a contents display capacity under an information request command (an a keyword)" in claim 1, lines 2-5; claim 4 lines 2-6; claim 5 lines 2-5 and claim 6 lines 2-5. The examiner is unclear as to what Applicant is claiming.
8. Claims 1, 4, 5 and 6 also recite "*the information showing the contents display capacity of a typical model in a model group per the model group set per the contents display capacity*" in lines 8-11 of claim1, lines 9-12 of claim 4, lines 7-10 of claim 5 and lines 8-11 of claim 6. It is unclear as to what Applicant is claiming.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 1-3 and 4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-3 and 4 are directed to a system comprising software per se. Software per se is not one of the four categories of invention. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and thus, is not a composition of matter.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Rouse et al. (hereinafter referred as to Rouse, US Patent Number 6,983,310 B2.

Regarding claim 1, Rouse discloses a search device providing a search service about a data provided by a contents providing server capable of providing contents corresponding to an information showing a contents display capacity under an information request command, comprising:

a crawling means for searching an address of said contents by using the information showing the contents display capacity of a typical model in a model group per the model group set per the contents display capacity (e.g. Wireless device access enables users to have instant access to critical information wherever the user may happen to be, col. 3, lines 14-17);

a search index holding the address of the contents obtained by said crawling means in correspondence to a model name of a terminal unit in the model group at a time of crawling (e.g. one or more databases 128₁-128_N (as *search index*) may store information related to electronic mail, directories, calendar, scheduling applications, and/or other application, col. 5, lines 35-37); and

a searching means for gobbling down the address of the contents in said search index in correspondence to the model name under the information request command from the terminal unit (e.g. the information transmitted to and from mobile device 130 will be in a format acceptable for display and access on a mobile device, col.5, lines 46-48).

Regarding claim 2, Rouse further discloses model group is provided per kind of the contents (e.g. Tool may serve to allow the design of a mobile version of applications to run (or execute) successfully on various wireless devices, col. 5, lines 53-55).

Regarding claim 3, Rouse discloses a search device further comprising:
a template corresponding to every said terminal units of a plurality of generations in which the display capacities of the search results are different (col. 6, lines 37-42);
a generation detecting means for detecting the generation of the terminal unit to which the information request command to said search means is supplied (e.g. Request handlers 214 may process one or more request from the device and send response pages back to the device, col. 6, lines 20-22); and
a search result generating means for generating the data of the search result in correspondence to the generation of the terminal unit detected by said generation detecting means (col. 15, lines 58-62).

Regarding claim 4, Rouse discloses a search device providing a search service about a data provided by a contents providing server capable of providing contents corresponding to an information showing a contents display capacity under an information request command and a key word, comprising:

a crawling means for searching a predetermined address corresponding to said contents by using the information showing the contents display capacity of a typical

model in a model group per the model group set per the contents display capacity (col. 3, lines 14-17);

a search index holding the predetermined address corresponding to the contents obtained by said crawling means in correspondence to a model name of a terminal unit in the model group at a time of crawling (col. 5, lines 35-37);

a searching means for gobbling down the predetermined address in said search index in correspondence to the key word and the model name under the information request command from the terminal unit (col.5, lines 46-48); and

a search result generating means for generating a search result including said predetermined address and the search result (col. 15, lines 58-62).

Regarding claim 5, Rouse discloses an information providing system comprising:

a contents providing server capable of providing contents corresponding to an information showing a contents display capacity under an information request command (e.g. Server 120 may comprise various modules, databases and other function, col. 5, lines 33-34); and

a search device having a crawling means for searching an address of said contents by using the information showing the contents display capacity of a typical model in a model group per the model group set per the contents display capacity (col. 3, lines 14-17), a search index holding the address of the contents obtained by said crawling means in correspondence to a model name of a terminal unit in the model group at a time of crawling (col. 5, lines 35-37), and a searching means for gobbling

down the address of the contents in said search index in correspondence to the model name under the information request command from the terminal unit (col.5, lines 46-48).

Regarding claim 6, Rouse discloses an information searching system comprising:

a contents providing server capable of providing contents corresponding to an information showing a contents display capacity under an information request command and a key word (col. 5, lines 33-34); and

a search device having a crawling means for searching a predetermined address corresponding to said contents by using the information showing the contents display capacity of a typical model in a model group per the model group set per the contents display capacity (col. 3, lines 14-17), a search index holding the predetermined address of the contents obtained by said crawling means in correspondence to a model name of a terminal unit in the model group at a time of crawling (col. 5, lines 35-37), a searching means for gobbling down the predetermined address in said search index in correspondence to the key word and the model name under the information request command from the terminal unit (col.5, lines 46-48), a search result generating means for generating a search result including said predetermined address and the search result (col. 15, lines 58-62).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Cecile Vo/ whose telephone number is 571-270-3031. The examiner can normally be reached on Mon - Thu (8:30AM - 6:00PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 05, 2007

/Cecile Vo/
Patent Examiner
Art Unit 2169

/HPham/



MOHAMMAD ALI
SUPERVISORY PATENT EXAMINER